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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,377

09/30/2003

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14970US02

6852

23446 7590 12/08/2008  
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EXAMINER

CHRISTENSEN, SCOTT B

ART UNIT

PAPER NUMBER

2444

MAIL DATE

DELIVERY MODE

12/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/675,377	<b>Applicant(s)</b> KARAOGUZ ET AL.	
	<b>Examiner</b> Scott Christensen	<b>Art Unit</b> 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This Office Action is in regards to the most recent papers filed on 9/30/2008.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. in US Patent Application Publication US 2004/0045030, hereafter referred to as "Reynolds."

4. With regard to claim 1, Reynolds discloses a system for adapting media content, comprising:

a first communications device disposed in the location first, the first communications device being operatively coupled to a network (Reynolds: Figure 4A, Client); and

a second communications device disposed in the second location, the second communications device being operatively coupled to the network, the second communications device receiving a device profile relating to the first communications device, adapting media content based upon the device profile of the first communications device, and sending the adapted media content to the first communications device (Reynolds: Figure 4A, Processor and Paragraph [0211].).

Art Unit: 2444

However, Reynolds does not disclose expressly that the method is performed in a media exchange network comprising a media exchange server, a network, a first private home and a second private home, the media exchange server being external to the first private home and to the second private home,

that the first location is in a first private home,

that the second location is in a second private home,

a file is sent with the media content, or

wherein the adapted media content is set to a first quality that is lower than a second quality level that is supported by the first communications device, and

wherein the file comprises information as to where the media content of a highest quality level resides outside of the first private home and the second private home.

However, Official Notice (See MPEP 2144.03) is taken that a person of ordinary skill in the art would have known how to have the locations being private homes and the server being external to the homes. Official Notice is further taken that having a file with metadata that has information on media of the highest quality was well known in the art.

Accordingly, it would have been obvious to modify Reynolds with the well known functionality.

The suggestion/motivation for doing so would have been that having a file that includes information on where the original file is located allows a content publisher to receive full credit for the work. Having this file staying with the media content even when the quality of the media content is adjusted by another party ensures that the original publisher maintains credit for the work. Further, this allows copyright protection

Art Unit: 2444

to be maintained. The file also would allow the content to be downloaded as opposed to streamed, so that a user who decides to view the content at a later time can utilize the file to receive the downloaded version. As the speed requirement for transmission of a downloaded file are less constraining than the requirements for streaming, the downloaded file can have a higher quality. Further, the location of the components does not appear to impact the functionality of the system. Having the locations being private homes allows private users to utilize the system, and having the server outside of the homes allows a commercial entity to provide services to the users.

5. With regard to claim 2, Reynolds discloses:

that the first communications device is coupled to the network via a first headend (Reynolds: Figure 8. The components are connected to networks. A headend, as claimed, appears to be the interface that enables the device to be connected to a network. As the devices of Reynolds are connected to the network, they have a headend.), and

that the second communications device is coupled to the network via a second headend (Reynolds: Figure 8. The components are connected to networks. A headend, as claimed, appears to be the interface that enables the device to be connected to a network. As the devices of Reynolds are connected to the network, they have a headend.).

However, Reynolds does not disclose expressly that the first headend is a satellite headend and that the second headend is a DSL headend.

Art Unit: 2444

However, Official Notice is taken satellite headends and DSL headends were well known in the art.

Accordingly, it would have been obvious to have the headends of Reynolds being a satellite and DSL headend.

The suggestion/motivation for doing so would have been that allowing Reynolds to utilize satellite and DSL headends allows the users to utilize interfaces that the users likely already possess to utilize the system of Reynolds. Further, satellite and DSL headends would utilize an infrastructure that is already in place in most areas to implement the network of Reynolds.

6. With regard to claim 3, Reynolds discloses that at least one of the first communications device and the second communications device comprise a software platform that can provide at least one of a user-interface functionality, a distributed storage functionality and a networking functionality (Reynolds: Figure 8. The devices are connected to at least one network, and thus have networking functionality.).

7. With regard to claim 4, Reynolds discloses that at least one of the first communications device and the second communications device comprises a software platform that can provide at least one of device registration, channel setup, program setup, management and security (Reynolds: Paragraph [0144]. PDAs, which can be used with the system of Reynolds, can perform some sort of managing functions.).

Art Unit: 2444

8. With regard to claim 5, Reynolds discloses that at least one of the first communications device and the second communications device is adapted to provide at least one of a distributed networking capability, an archival functionality, a temporary storage capability, a storage manager and a digital rights manager (Reynolds: Paragraph [0144]. PDAs, which can be used with the system of Reynolds, can store files, so this constitutes at least either a temporary storage capability or an archival functionality.).

9. With regard to claim 6, Reynolds discloses that the device profile comprises information related to digital media parameters (Reynolds: Paragraph [0211]).

10. With regard to claim 7, Reynolds discloses that the information related to the digital media parameters comprises information related to at least one of resolution content, display size, color content and grey-scale content (Reynolds: Paragraph [0211]).

11. With regard to claim 8, Reynolds discloses that the device profile comprises information related to media capabilities of the first device (Reynolds: Paragraph [0211]).

12. With regard to claim 9, Reynolds discloses that at least one of the first communications device and the second communications device comprises a television

Art Unit: 2444

screen that facilitates viewing and interacting with at least one of a user interface, media, data and services available on the network (Reynolds: Figure 10. The system of Reynolds can utilize televisions, which can be used to at least view the media.).

13. With regard to claim 10, Reynolds discloses that the first communications device requests the media from the second communications device via the network (Reynolds: Paragraph [0229]).

14. With regard to claim 11, Reynolds discloses that the device profile can be updated at the first communications device (Reynolds: Paragraph [0211]. The first communication device's software creates the profile, so it can clearly at least create a new one and transmit it, which would be an updated device profile.).

15. With regard to claim 12, Reynolds discloses that the device profile comprises one or more digital parameters to set to a quality lower than a maximum quality level supported by the first communications device (Reynolds: Paragraph [0211]).

16. With regard to claim 13, Reynolds teaches the invention as substantially claimed except:

wherein the second communications device creates private media channels relating to particular content residing in the second communications device, and



Art Unit: 2444

wherein the second communications device pushes the private media channels from the second private home to authorized devices in the media exchange network.

However, Official Notice is taken that streaming content over networks, in a manner similar to a radio or television broadcast, was well known in the art. For instance, internet radio stations already existed. Further, it would have been well known to create permissions for content, and send the content only to those who have the authorization to access the content.

Accordingly, it would have been obvious to allow the second communications device to create a private media channels, and push the channels to authorized devices.

The suggestion/motivation for doing so would have been that allowing users to publish their own streams allows user generated content and/or play lists to be enjoyed by friends and family. This further greatly expands on content available over a network, as any user can create content to be shared with others.

17. With regard to claim 14, Reynolds discloses that the file comprises a meta file associated with the media content (Meta data is interpreted as simply being data about data, where a meta file would be a file with data about data. In this case, the data transmitted is data about the original media presentation, and is thus data about data.).

18. With regard to claim 15, the instant claim is substantially similar to the subject matter of claim 1, and is rejected for substantially similar reasons.

19. With regard to claim 16, Reynolds discloses that the second communications device adapts one or more digital parameters of the media content based upon the device profile of the first communications device (Reynolds: Paragraphs [0211] and [0254]).

20. With regard to claim 17, the instant claim is substantially similar to claim 1, and is rejected for substantially similar reasons. Further, Reynolds teaches that the communications device is a set-top box (Reynolds: Paragraph [0111])

21. With regard to claim 18, the instant claim is substantially similar to subject matter found in claim 1, and is rejected for substantially similar reasons.

22. With regard to claim 19, the instant claim is substantially similar to claim 15, and is rejected for substantially similar reasons.

23. With regard to claim 20, Reynolds teaches the invention as substantially claimed except that the set-top box is replaced with a communications device that stores a revisable device profile of the communications device, and wherein the communications device automatically sends the revisable device profile of the communications device to the network, and wherein the communications device receives a file associated with the

Art Unit: 2444

media content and the media content that has been adapted based upon the sent device profile of the communications device.

However, Official Notice is taken that it was well known to replace devices, and install the new device in a network.

Accordingly, it would have been obvious to modify Reynolds with the functionality of claim 20.

The suggestion/motivation for doing so would have been that the method of claim 20 appears to simply be the steps required to install and operate a new device in place of the communications device of claim 17. There are many reasons to replace the device, such as a malfunction or an upgrade. Then, allowing the functionality of claim 20 with respect to the new device would allow the new device to function in the network as the old device did.

24. With regard to claim 21, the instant claim is substantially similar to claim 1, and is rejected for substantially similar reasons.

25. With regard to claim 22, the instant claim is substantially similar to claim 17, and is rejected for substantially similar reasons.

26. With regard to claim 23, the instant claim is substantially similar to claim 6, and is rejected for substantially similar reasons.

Art Unit: 2444

27. With regard to claim 24, Reynolds, as currently applied, teaches the invention as substantially claimed except that the media content of the highest quality level resides in the network, but external to the first home and the second home.

However, Official Notice is taken that it would have been well known to have the original file within the same network, but in a separate location.

Accordingly, it would have been obvious to have the media content of the highest quality level resides in the network, but external to the first home and the second home.

The suggestion/motivation for doing so would have been that for the file to be accessed through the network, it must be connected somehow to the network. It is noted that the location of the file does not appear to affect the functionality of the instant claim. It is also noted that the location of the second file could be a third home, a private or public server, a store, etc, meaning that any location in the network, even a third home, would meet the claim limitation. Further, the term "network," as currently claimed, can include the entire Internet, meaning that the file would simply have to be somewhere on the Internet to meet the claim limitation. Accordingly, any storage location of the file external to the first or second home, and on the Internet (where the first and second home are connected to each other through the Internet) meets the claim limitation.

28. With regard to claim 25, the instant claim is substantially similar to claim 13, and is rejected for substantially similar reasons. Further, it would have been well known to have the channel relating to content residing in the second communication device.

Art Unit: 2444

Accordingly, it would have been obvious to have the channel relating to content in the second communication device.

The suggestion/motivation for doing so would have been that utilizing networks, drives existing on one system can be mapped as drives on a second system, where the drive is accessed by the user in a manner similar to a local drive. Thus, a private channel, where a storage device in the second location is mapped to a drive in the first location, would be able to access the files in the drive as if the files existed in the first location.

29. With regard to claim 26, the instant claim is substantially similar to claim 15, and is rejected for substantially similar reasons.

30. With regard to claim 27-28, the instant claim is substantially similar to subject matter presented in claim 1, and is rejected for substantially similar reasons.

31. With regard to claim 29, Reynolds, as currently presented, does not teach expressly:

replacing the communications device with a second communications device;  
storing, in the second communications device, a revisable device profile of the second communications device, the second communications device being operatively coupled to the network;

Art Unit: 2444

automatically sending the revisable device profile of the second communications device to the network; and

receiving, from the network, a file associated with the media content that has been adapted based upon the sent revisable device profile of the second communications device.

However, Official Notice is taken that it was well known to replace devices, and install the new device in a network.

Accordingly, it would have been obvious to modify Reynolds with the functionality of claim 29.

The suggestion/motivation for doing so would have been that the method of claim 29 appears to simply be the steps required to install and operate a new device in place of the communications device of claim 27. There are many reasons to replace the device, such as a malfunction or an upgrade. Then, performing the method of claim 27 with respect to the new device (which appears to be the functionality performed by claim 29) would allow the new device to function in the network as the old device did.

### ***Response to Arguments***

32. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2444

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444